THE CARDROSS CASE

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When the ecclesiastical eruption known as the Disruption occurred the Parish of Cardross was shepherded by a deservedly popular minister, the Rev. William Dunn. He had been strongly in favour of radical reforms in the Church of Scotland such as the abolition of patronage, but when the crisis came he could not bring himself to forsake the people with whom he had formed such strong bonds of affection, and so became one of the so-called *forty thieves*, a designation of unknown origin, but probably of jocular intention with a sting in the barb of it, which described those who made a similar right-about turn when on the very threshold of secession. Mr. Dunn met an old farmer on the road one day when the crisis was coming to a head, and said to him with a sad shake of the head, "Ah, John, John, I fear the cream of the church is leaving us." And honest John replied, "Aye, sir, and ye're content tae gang wi' the skum mulk"—a gibe which was undoubtedly an exaggeration. Anyhow, an influential party did cast in their lot with the seceders to the number of 221 members, of whom 89 were communicants and two were elders, one called by the real Sir Walter Scott name of Michelquhan.

Within two months a call was presented to the Rev. John Macmillan, minister of Ballachulish. He was evidently a man of forceful character, of which he gave evidence in compelling the grandfather of the late Sir Andrew Macphail of Canada (once Society schoolmaster in Glenbanchor) to emigrate to Canada as he desired the school at Corpach for a claimant of his own. Sir Andrew wrote of him as "a powerful man." He was indeed possessed of very considerable ability and vigour, which was recognised by the Free Church when it commissioned him to visit the British Provinces in North America that he might assist Gaelic-speaking Highlanders in that country who held its views to organise Free Churches there. The fruit of his labours still appears in the number of Gaelic services still held in Nova Scotia and New Brunswick. In his own home parish he was most active in the discharge of his duties. In addition to two English services, he carried on regular Gaelic services four miles away over the hill at Renton as well as for a short time in Cardross itself. The treasurer's accounts reflect most creditably upon him as well as upon the congregation. For example, a collection of £7/7/- for the New College, Edinburgh, indicates a cordial and discerning appreciation of the vital importance of its work seldom evidenced by congregations in these days

of ours. Distress in India, struggling Presbyterians in County Cork, Ireland, a mission in Constantinople, American Freedmen, all shared in the congregation's unstinted generosity. Yet the man who was the leader of such a people was responsible for one of the most notorious, unsavoury and disturbing Cases in the history of the Presbyterian Church in Scotland

I

The Case started in 1858 with the libelling of Mr. Macmillan before the Presbytery of Dumbarton on a charge of being drunk on the public road on two occasions, and of attempting on another occasion, when in a partially intoxicated condition, immoral behaviour in connection with a woman in the district. The evidence, it may be said, was largely circumstantial, and rested on the evidence of the woman herself, who was by no means of irreproachable character. I shall not, however, go into the sordid details of the case as presented to the Presbytery. Suffice it to say that the Presbytery, after a careful and thorough examination of several witnesses on both sides, by majorities found the first charge of drunkenness not proven, the second proven, and the third, the most serious one, proven, with the exception of certain accusations made by the woman herself, which could not be otherwise substantiated. "Not proven," as is well known, is a verdict peculiar to Scottish law, and has been interpreted, "not guilty, but don't do it again." Mr. Macmillan thereupon appealed to the Synod of Glasgow and Ayr against the findings of the Presbytery so far as they were unfavourable to him ; the remaining portions of the findings, he held, became final and conclusive and not subject to be altered or varied by the Synod or the General Assembly to the pursuer's prejudice or hurt. The Synod, by small majorities, sustained the appeal, acquitting him of the first count of the libel and returning a verdict of "not proven" on the other two counts. Thereupon the Presbytery appealed to the General Assembly, supported by the strong minorities of the Synod, including leaders such as Dr. Buchanan who were not members of the Presbytery. The appeal concerned only those portions of the findings of the Presbytery unfavourable to the pursuer which had been before the Synod. The General Assembly, however, instead of dealing with the appeal as it came before it *simpliciter*, chose to open up the whole case *ab initio*, so recalling all the charges as they were at first presented to the Presbytery in the original libel. The debate lasted for thirteen hours, of which Macmillan occupied three hours in his elaborate defence from the bar, contending that the Assembly had committed an illegal, incompetent and unwarrantable act by reviving and reviewing the original charges. The gravamen of the charges, he

declared, had been greatly modified because of the excisions made by the Presbytery in the most serious accusation, that of immoral behaviour ; and its resultant verdict, and still more that of the Synod, would have been amply satisfied by a censure or admonition.

The stage was now being set for the pitiful drama that ensued. The central figure was not a man in the prime of his vigour whose ill-controlled passions had ensnared him in a net of shocking immoralities, but a man who had reached the stage of three score years when the strong heats and appetites of nature normally lose their strength, though in not a few, like him, they are still apt to break through the slack restraints of an undisciplined maturity. Here is a pen-portrait drawn doubtless by the graphic hand of Hugh Miller in his newspaper, *The Witness*, of that date. " Mr. Macmillan is a grey-haired man of above three score years. He read a written defence, and no one, looking at that firm-made, vigorous-looking man, coolly reading from his notebook and interspersing his remarks, would have taken him for a minister of the Gospel engaged in a last struggle for name and fame and all that which to a minister must be dearer than life itself. He discussed the evidence minutely and at great length and with not a little ingenuity. He referred to the length of his ministry, to his services as a deputy from the Church in the Highlands in Nova Scotia, New Brunswick and Canada, and to the character for sobriety which, he averred, he had ever borne. He appealed to the House if it was credible that a man of his period of life and hitherto unblemished character could have been so infatuated as to be guilty of the gross impropriety attributed to him, and concluded by leaving his case in the hands of the Assembly, confident that justice would be done."

His appeal was of no avail, though there were some who supported him in his contention regarding the illegality of the Assembly's procedure. Mr. George Dalziel, a leading elder, declared that the evidence on one of the charges was so overwhelmingly clear that no other court would have spent upon it half of the time they had given to it. Prof. Miller said that he saw no loophole of escape for the accused whatever. Dr. Candlish affirmed that he had come to as clear an opinion as he had ever done on any case whatever. He called upon the Assembly to deal with the case on the broad ground of equity and Christian principle. It would be a disastrous thing, he contended, if they were hindered by any technicality regarding mere procedure or any legal objection from so doing. The final decision of condemnation received a unanimous vote, and Macmillan was sentenced to suspension from the office of the ministry and removal from the charge of Cardross, authority being given to preach the charge vacant.

II

The case now advanced to the critical stage at which it became of compelling and vital significance not only to the Free Church of Scotland, but to all Non-conformist Churches throughout Britain and Ireland and of profound interest beyond these islands, in our Colonies and in America. Dr. Guthrie asserted at a great public meeting : " We will never consent, be the consequences what they may, to reverse the decision in the case. Should the Free Church consent to do so, certainly there would be another Disruption "—an opinion strongly corroborated to myself many years ago by an old elder who had passed through those exciting days.

The sentence of the Assembly was pronounced on the morning of May 25, 1858. Three days later, on May 28, Macmillan took the fateful step of appealing to the Court of Session for suspension of the sentence and interdict against the preaching of the church at Cardross vacant, on the ground that the Assembly had acted *ultra vires*. Lord Kinloch, however, summarily refused the application as incompetent, as also did Lord Benholme, at a subsequent hearing, both declaring that the Civil Court had no authority to review ecclesiastical judgments.[1] This decision became final (v. *Ecclesiastical Cases*, p. 188). Meanwhile, as soon as Macmillan's action became known late in the day, a summons was sent to him, by this time in bed, to appear at the bar of the Assembly next day to answer for his conduct. He had now added to his other sins the heinous one of deliberately breaking the solemn vows he had taken on his induction to the charge at Cardross.[2] He had violated the essential principle to which the Free Protesting Church, as it was at first called, owed her very existence as a Church separate from the State. He had indeed committed an offence which, according to the law of the Church, inferred instant deposition. Macmillan appeared at the bar of the Assembly in no submissive or penitent mood, but with a roll of manuscript from which he proposed to read another lengthy defence. Before he could utter a word of it, however, the Moderator, Dr. Beith, asked him if the application to the Court of Session for an interdict was his, *Yea* or *Nay*. Macmillan expostulated that he should be allowed to make a statement, but Dr. Candlish thereupon moved that he must answer the Moderator's question by a simple *Yea* or *Nay*. When he then replied *Yes*, with an expression as sullen and dogged as ever a countenance wore (according to *The Witness*), and again attempted to defend himself, such a noise and clamour broke out in the Assembly as made it impossible for him to gain a hearing and compelled him to retire. Thereupon, Dr. Candlish, after declaring that in a matter of this sort, undermining the very foundations of the Church, no mere technical matter of procedure could be allowed to prevent the Supreme Court of the Church from

[1] *Eccles. Cases*, p. 74. [2] *Ibid.*, p. 73.

exercising its inherent right of free judgment to purge the Church of a shocking scandal, moved that Macmillan be forthwith deposed[1] from the ministry of the Church. This was agreed to without a dissentient voice.[2]

The case, which Macmillan determinedly pursued, was now shuttlecocked between a number of judges for several years, from 1858 to 1863. The grim game began with Macmillan raising an action for reduction (a Scottish legal term for nullification) of the sentence of deposition and for damages of £500 against the General Assembly, and in a second action claiming damages of £3000 from the Moderator, Dr. Beith, along with Dr. Candlish and Dr. Bannerman, the mover and seconder of the motion of deposition. He based these actions not on the ground of wrongous conviction in view of the evidence, but on the ground that he had not been given an opportunity of being heard in his defence, and also that the Assembly had acted *ultra vires* in altering a deliverance of the Presbytery without the requisite appeal or complaint. As a matter of fact, he had been already heard at great length by the Assembly in his defence against all the charges laid in the original libel.[3] The charge that brought him to its bar at his last appearance was that he had appealed to the Law Court to reduce a sentence passed on him by the Assembly for an offence which came within its spiritual jurisdiction, from which he had given his solemn promise that he would make no such appeal. He had confessed his guilt by the one word he had answered to the direct question of the Moderator, and there was no defence possible. The sentence thereupon pronounced upon him was provided for by the Act of 1592, the Charter of Presbytery, according to which, in such a case as this, no previous process or admonition was necessary.

It would be impracticable to follow the case through the various trials that followed in which all the judges of the Courts of Session expressed elaborate opinions. They suffer from not a little uncertainty of mind, their opinions in important points not agreeing with the judgments they pronounced. As Murray Dunlop says in a descriptive pamphlet: "In judging the weight of the decision, it will not be left out of view that the opinions of the judges are not marked by that consistency of well considered views and these characteristics which, apart from mere judicial position, give authority to opinion." An attempt must now be made to consider, as succinctly as possible, the crucial questions raised in the case.

[1] The sentence of deposition is equivalent to excommunication, both terms being used indifferently in the legal documents connected with the case.

[2] *Eccles. Cases*, p. 131.

[3] *Assembly Reports.*

III

The General Assembly at first based its defence on the general claim made by all Christian Churches to the right of final jurisdiction in all spiritual matters, as bestowed upon them by their only Lord and Head, Jesus Christ. This claim was summarily rejected by Lord Jerviswoode. The Church, however, offered as supplementary pleas the statements and implications of the fundamental documents of its constitution, viz., (1) The *Claim of Right* made by the Church of Scotland in 1842 ; (2) The *Protest* of 1843 by those who left that Church ; (3) The *Deed of Demission* of the same signatories ; (4) The *Formula* signed by all ministers of the Free Protesting Church, as the seceders were at first called. To these were added the *Acts and Rules of the General Assembly of the Church of Scotland* dating back to the 16th century when Presbyterianism was established in Scotland, which were carried over into the Free Church. As the case developed, the Court made it clear that the Free Church, like all Nonconformist bodies, had only the same status in the eyes of the law as any other voluntary association of a civil nature, commercial or industrial, whose contract of association formed its constitution, determining and defining its relationship to its members or employees. The documents submitted by the Free Church as forming its constitution were regarded as corresponding to such a contract of association. To that view the Solicitor General, counsel for the Church, virtually assented so far at least as admitting that its powers flowed from compact or consent. (*Eccles. Cases*, p. 167.)

Here it should be pointed out that the General Assembly claimed, in answer to Macmillan's plea that it had acted *ultra vires* and in violation of the constitution by transgressing its regulative forms of process, that these " forms of process do not form any part of the constitution of the Church."[1]

What then was the nature of the jurisdiction claimed by the Free Church ? The answer of the Church was that it applied to " all matters connected with the government and discipline of the said Church as a Church of Christ."[2] Macmillan accepted that statement, but with the qualification that " the subjection of its ministers to it is only according to the contract or constitution under and in reference to which (the Church Courts) exist and are bound together." The Court recognised that the Free Church, like all non-established Churches, came under the *Toleration Act*, which protected them in the exercise of their freedom of worship and power of discipline. But while the Established Churches were endowed by Act of Parliament with the power of jurisdiction in respect of spiritual matters, the dissenting bodies possessed no such privileges or powers. They are only voluntary associations, said Lord

[1] v. *Eccles. Cases*, p. 419. [2] Also, v. *Eccles. Cases*, p. 72.

Curriehill, and are not included among the judicial institutions of the country and have no authority over their members and functionaries beyond what is voluntarily agreed to by them.[1] Lord Deas went still further in his dogmatic assertion that "the defenders are invested with no jurisdiction whatever, ecclesiastical or civil. All jurisdiction flows from the supreme power of the State. When the defenders separated from the Establishment, they left all jurisdiction behind them. No voluntary association, by an agreement amongst its members, can assume jurisdiction. The constituent members of Presbyteries, Synods and Assemblies are not judges in any legal sense. They sit and act and vote solely in virtue of private contract which does not and cannot confer upon them any jurisdiction whatever."[2] It was this opinion of Lord Deas, I may here say, that fired righteous indignation to white heat throughout the Church and formed the principal target of passionate denunciations delivered in all parts of Scotland as well as in London and Ireland to enthusiastic audiences by eminent spokesmen from all Nonconformist Churches which realised that their spiritual jurisdiction would also be quashed by such a sweeping assertion. Typical of them all was the meeting in the Music Hall of Edinburgh which was crammed by an audience mostly of men, the passages and lobbies being filled to suffocation, hundreds being unable to obtain admittance. The interest and attention of this immense gathering were sustained unabated and unwearied for four hours.

There need be no surprise then that the Lords of Session asserted their right to intervene in a case of this sort, and affirmed the competency of Macmillan's appeal. They claimed authority to review ecclesiastical sentences on appeal and to determine whether these violated the constitution of the Church implicated, and, if so, to reduce (i.e., annul) them. They made the vitally important qualification, however, that they would do so only so far as to prepare the way for giving redress in the shape of damages to the plaintiff for consequences prejudicial to his patrimonial interests.[3] Beyond that they refused to go. They would not reinstate him in his previous position or restore to him his previous emoluments, as was done in 1843.[4] The sentences of deposition and deprivation of these interests would stand. If there were no effectual claim for damages, they would regard the appeal for reduction *only* as incompetent and decline to consider it. If reduction were enforced and the plaintiff reinstated in his offices, amongst other consequences, as the counsel for the Church pointed out, he might claim that all Presbytery business transacted during his suspension or deposition was invalid because he had not been permitted to attend as a member and vote. Nevertheless there were statements made by the judges which seemed to imply that the Courts had the right to order reduction even though no redress was claimed or

[1] *Eccles, Cases*, p. 102. [2] *Ibid.*, p. 110. [3] i.e., *Manse and Emoluments.* [4] *Eccles. Cases*, p. 164.

damages asked, and only the matters falling within the ambit of purely spiritual jurisdiction were involved. So seriously alarmed were the Church authorities at the veiled threat of such a possibility in the future that they prepared for an appeal to the House of Lords to have the question of that problematic power finally settled. Ultimately, after the withdrawal of Macmillan from the action, it was thought needless and inadvisable to pursue the matter further at still greater expense, and it was decided to let sleeping dogs lie—a wise decision, as the dogs have continued to sleep since that date, and are likely to go on doing so in view of the almost certain hostile repercussions of outraged public opinion in the event of the Law Courts being confirmed in that power.

Another question had to be resolved—that raised by Macmillan's main contention that the General Assembly acted *ultra vires* in contravening its rules of procedure by ignoring verdicts passed by the lower Courts, reopening the case *ab initio*, and reversing certain of the sentences which should have been regarded as final. Was it not illegal for the Assembly to exercise such an arbitrary and uncontrolled judgment? Lord Deas declared that "anything which went against the constitution of the Church was an infringement of the contract (between the Church and its office-bearers) and could not be defended on a *sic volo, sic jubeo* of the body." The Church made answer that the forms of process did not form part of that constitution. (*Eccles. Cases*, p. 119.) Also the *Second Book of Discipline* (Ch. vii) asserted that the General Assembly "is instituted that all things either committed or done amiss in the provinciall assemblies may be redressed and handled." Lord Curriehill laid down a principle, however, which commanded the assent of the Court. Dealing with the question of damages claimed by Macmillan on account of the asserted illegality of the procedure followed by the Assembly, he gave it as his opinion that parties upon whom judicial functions are lawfully conferred, and who, in the *bona fide* exercise of these functions over parties subject to their authority, fall into errors of judgment, are not liable to damages to these parties in consequence of these errors. Such functionaries have an immunity from liability for errors in judgment, unless their errors arise from corruption or malice. The law extends such immunity to private persons upon whom parties, by voluntary agreement, confer authority to adjudicate on matters among themselves. The same immunity extends to functionaries appointed by voluntary associations, constituted for religious purposes, in respect of errors they may have committed in the *bona fide* exercise of the authority entrusted to them. This is a principle of great importance in this country, he added, as, in his opinion, it enters into the constitution of most, if not all, of the voluntary religious associations which have been formed in Scotland

under the protection of the Toleration Act. (*Eccles. Cases*, p. 189f.) This principle would apply to the judgment of the Assembly that its rules of procedure were not part of the constitution, if that judgment were erroneous. If not, then *cadit quaestio*, and Dr. Candlish had the right to insist that they should not be hindered by a mere technicality from taking the action decided upon.

As to the question of redress, Macmillan did not expect to be reinstated in the patrimonial interests, i.e., manse and emoluments, he had forfeited as an immediate consequence of the sentences according to the directions laid down in the regulations of the Sustentation Fund and in the Model Trust Deed. These sentences stood, whatever the verdict of the Court, according to the express declaration of the judges themselves. Macmillan had been left, therefore, in his old age, as he pled, with no means of livelihood. The redress he claimed was the award of substantial damages (1) against the General Assembly, (2) against the Moderator together with the mover and seconder of the motion for his deposition. In regard to (1), Lord President M'Neill said : " I am of opinion that it is not competent to convene that body, or aggregation of persons, in an action of damages. They are not a corporation ; they are not a joint-stock company that are sued by their office-bearers. They are a certain selected number of the members of a voluntary association, chosen and assembled according to the rules of the association, to transact a certain part of their business, and then to be dissolved. There is nothing on the record to show who were the individuals composing the alleged majority in the division which is said to have taken place. There is nothing to show who were the doers of the wrong that is complained of. There is no record to show a case against any person whatever." He therefore concluded that the General Assembly was not a body which could, in its collective capacity, or by its office-bearers, be subjected in damages.[1] Lord Curriehill also pointed out that the Assembly had no funds ; and its very existence was ephemeral. No decree could be pronounced against it as a separate person in law. Against what persons or against what fund, then, could a decree for damages be carried into execution ?[2] These opinions determined the judgment adopted by the Court, Lord Deas dissenting.

As regards (2), in the first record Macmillan claimed damages from the individuals mentioned on the ground that they were " actuated by malice and ill-will towards the pursuer." But he departed from this accusation in the issues he sought from the Court, and, according to Lord Curriehill's opinion, " he had thus eliminated from his case that accusation without which his averments were not relevant to support a claim for damages. These individuals, as well as the Assembly as a body, therefore, must be taken as having *bona fide* exercised the judicial functions entrusted to them, and this being the case, they would not be liable to the pursuer

[1] v. *Eccles. Cases*, p. 183. [2] v. *Ibid.*, p. 193.

for doing so, even though it should be found that they had fallen into error as to the extent of their authority and as to the form of process prescribed by the constitution. The Court decided according to this opinion, Lord Deas again dissenting.

This judgment regarding damages proved to be decisive in settling the case. Macmillan's counsel admitted to the Court that the action for reduction, still undecided, was only auxiliary to that for damages ; that it was purposed only to enable the pursuer to succeed in the latter, for if the sentence continued to stand unrevoked, his plea for *solatium* in respect of the injury done to his feelings, character and reputation, and his loss of patrimonial interests, ceased to have any force. Damages having thus been refused, the judges decided that the case for reduction became incompetent as not coming within their province, which " deals only with civil or patrimonial interests and consequences, and while vindicating or giving redress for these, refuses to go beyond them." That is, they declined to review ecclesiastical sentences standing purely by themselves and without relation to any question of civil right.[1]

It will be noted that this is different ground from that on which the two Lords Ordinary successively refused the application for suspension and interdict in the first actions, viz., that " as the sentences complained of, being spiritual acts done in the ordinary course of discipline by a Christian Church tolerated and protected by law, it is not competent for the civil court to reduce them."

Macmillan, like his opponents, had intended to appeal to the House of Lords in the event of an adverse decision against him in the Scottish Courts, but his anonymous financial backers perceived that the outlook for their protégé was hopeless and so buttoned up their sorely depleted pockets. There was nothing left for the litigant but to throw up the sponge, which he did on the ground of his health having given way and his funds being exhausted. Privately he made an appeal *ad misericordiam* to the General Assembly through an intermediary, suggesting that provision might be made for him by a subscription from the members of the Church. Dr. Robert Buchanan, into whose hands this letter came, promptly pilloried this proposal as a piece of effrontery. And that was the end of the Cardross Case.

During the prolonged course of the case, the various judges pronounced a series of elaborate opinions. Some of their *obiter dicta* were significant of their state of mind. Let me give an example that verges on the fantastic. Lord Deas, seeking to throw ridicule on the claim of the Church to absolute and final jurisdiction in all matters of a spiritual nature, postulated a possible case. If the pursuer, he asked, had been convicted of being sober in place of being intoxicated on Christmas day, 1857, or if the sentence of the Assembly had been that he was the ablest

[1] *Eccles. Cases*, p. 194.

man and the best preacher in the Church and, therefore, that he was deposed, would there have been no legal claim for redress ?[1] Sir Henry Wellwood Moncrieff, who was an eye and ear-witness of the incident, as he says in his book on *The Claim of Right*, reports the apt retort of the counsel for the Church : " Extreme cases, my Lord, prove nothing. What if the Court of Session were to decide against the Free Church, simply because it is the Free Church ? " The Court, adds Sir Henry, were silent after this rejoinder.

IV

Macmillan himself, however, was not yet done with. He had not been without sympathisers in the parish. His own session stated in a minute that " having no proof whatever that their minister appeared on the 26th of November in any respect under the undue influence of spirits, and he having repudiated all such imputations on his character, they unanimously express themselves as satisfied that there was no ground to warrant any report on the subject." Fortified by this consoling assurance and declaration, Macmillan, though unable to enter the pulpit, refused to budge out of the manse. The Church authorities could not well appeal to the Law Court for an order of compulsory eviction as that might have been regarded as an implicit surrender of the fundamental principle on which they had fought the whole case. Anyhow, Macmillan was left undisturbed to play the dog-in-the-manger, while a somewhat unsuitable and inconveniently situated abode was provided by the General Assembly for his successor, the Rev. A. B. Bruce, afterwards the eminent Professor in the Glasgow College of the Church. He dug himself into the manse stubbornly for six years, when at last, whether at the impulse of a belated contrition, or affected by the prevailing village atmosphere of chilling aloofness, he removed to a humble cottage in Ballimenoch in the neighbourhood. After a brief stay there he betook himself to Glasgow where, it is said, in a small newsvendor's shop in the Cowcaddens district, attended by a faithful and loyal daughter, he closed his chequered career, begun with such bright promise of usefulness, in its heyday spent in such fruitful activities, but ending in the gloom of moral tragedy.

[1] *Eccles. Cases*, p. 166.

BIBLIOGRAPHY

The literature of the Case is surprisingly meagre in view of the issues involved. Subsequent Church Histories either take no notice of it or give it such scanty treatment as betrays little or no proper appreciation of its far-reaching significance. Public interest rapidly died out. No judicial comprehensive study of the various trials has since been published. Reliance for a competent knowledge of its protracted course must be placed mainly upon the volumes and documents detailed in the following selected bibliography.

1. Leading Ecclesiastical Cases, reprinted from the Court of Session Records, 1840-1874.
2. Assembly Reports, 1858-1863.
3. Special Reports giving the evidence before the Presbytery of Dumbarton.
4. A Taylor Innes, "The Law of Creeds in Scotland," p. 266ff. The Toleration Act is given on p. 327ff.
5. Report of the speeches made at the mass-meeting in the Music Hall, Edinburgh, on January 14, 1861.
6. Sir Henry Wellwood Moncrieff, "The Claim of Right," Appendix, p. 291ff.
7. Contemporary Journals and Newspapers, especially "The Witness" (edited by Hugh Miller).
8. Statement prepared by Murray Dunlop at the instance of the General Assembly for general distribution.
9. Pamphlets, of which a collection may be consulted in the New College Library, Edinburgh.